

C.M.P.No.19190 of 2016
in
S.A.No.161 of 2016

M.M.SUNDRESH,J.

Seeking to modify the order dated 05.07.2016 passed by this Court in C.M.P.No.3294 of 2016 in S.A.No.161 of 2016, by which, the petitioner was directed to deposit 50% of the decretal amount within a specific time while granting an order of interim stay, the present petition has been filed.

2.Learned counsel appearing for the petitioner submits that the above said amount would go beyond the bill amount for the additional work. It is further submitted that the Honourable Apex Court has given liberty to approach this Court for modifying the order passed.

3.This Court is not inclined to accept the above submissions made by the learned counsel for the petitioner. Admittedly, the petitioner suffered a decree. This Court has correctly exercised its discretion by directing the petitioner to deposit 50% of the decretal amount. The bill amount is one thing and the decree granted is another and the decretal amount certainly includes the interest

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component as a whole. In such view of the matter, this Court does not find any necessity to modify the order passed. However, considering the fact that the petitioner has been agitating the said issue for quite some time, a further period of four weeks from today is granted for compliance. The miscellaneous petition is disposed of accordingly.

Post the second appeal on 08.02.2017 for final hearing.

21.12.2016

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